

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

RAFAEL MONSERRATE CARO ADORNO
MARIA ESTHER CANCEL RODRIGUEZ

Debtor (s)
XXX-XX-4377
XXX-XX-1954

CASE NO: 23-02367 (ESL)

CHAPTER 13

**NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST IN
COMPLIANCE WITH FEDERAL RULES OF BANKRUPTCY
PROCEDURE RULE 1009 AND RULE 1009**

TO THE HONORABLE COURT:

COME NOW, Debtors Rafael Monserrate Caro Adorno and Maria Esther Cancel Rodriguez , through the undersigned attorney, and to this Honorable Court respectfully state, allege and pray as follows:

1. The above mentioned case was filed on July 31st , 2023.
2. The present notice is filed to inform that Debtor amended the Chapter 13 payment plan to:
 - a. Part 2.1 increase monthly payment.
 - b. Part 3.7 Correct information.
 - c. Part 4.4 include amount in favor of Priority creditor Internal Revenue Services.
 - d. Part 4.6 Include Insurances in favor of secure creditor Banco Popular de PR and Performances Financial.

WHEREFORE, Debtors respectfully pray to this Honorable Court, through the undersigned counsel, to take notice of the above stated and provide with any other order or relief as the Court may deem proper.

RESPECTFULLY SUBMITTED,

In Toa Baja, Puerto Rico this, Thursday, January 4th, 2024.

MILAGROS RIVERA RIVERA
/s/ Milagros Rivera Rivera
MRR LEGAL GROUP
PO BOX 50823
TOA BAJA, PR 00950-0853
787-525-3290
Email: lcda.riveramilagros@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 4, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and a copy will be generated by the system to all CM/ECF participants in this case.

MILAGROS RIVERA RIVERA
/s/ Milagros Rivera Rivera

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:
RAFAEL MONSERRATE CARO ADORNO
MARIA ESTHER CANCEL RODRIGUEZ

xxx-xx-4379
xxx-xx-1954

Case No.: **3:23-bk-2367**

Chapter 13

☐ Check if this is a pre-confirmation amended plan

☐ Check if this is a post confirmation amended plan
Proposed by:

☐ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

Puerto Rico Local Form G

Chapter 13 Plan dated January 4, 2024 .

If this is an amended plan, list below the sections of the plan that have been changed.

PART 2.1 PART 3.6 PART 3.7 PART 4.4 PART 4.6

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
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Debtor

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\$190.00	Months 1 through 1	\$190.00	
\$830.00	Months 2 through 2	\$830.00	
\$0.00	Months 3 through 3	\$0.00	
\$802.00	Months 4 through 7	\$2,406.00	
\$930.00	Months 8 through 60	\$49,290.00	INCREASE MONTHLY PAYMENT
Subtotals	60 Months	\$52,716.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
- ☒ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- ☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in

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Part 5 below.

Name of creditor

ORIENTAL BANK PR

Collateral

2022 NISSAN MURANO 26373 miles*Insert additional claims as needed.***3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.**☐ Payments pursuant to 11 USC §1326(a)(1)(C):*Insert additional claims as needed.*

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.*Check one.*☐ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
PERFORMANCE FINANCE	2067	\$17,080.05	7.29%						\$19,069.14
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month		
BANCO POPULAR DE PR		\$21,520.15							\$21,520.15
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month		
MUEBLERIA BERRIOS	1954	\$385.77						\$5.86	\$385.77
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month		

*Insert additional claims as needed.***PART 4: Treatment of Fees and Priority Claims**

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3:23-bk-2367**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ **1,000.00**

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ **3,000.00**

If this is a post-confirmation amended plan, estimated attorney's fees:

\$

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in **\$0.00**

Name of priority creditor
IRS

Estimate amount of claim to be paid
\$2,250.00

Insert additional claims as needed.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

☐ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

☒ The Debtor(s) propose to provide post confirmation property insurance coverage to the secured creditors listed below:

Name of creditor insured	Insurance Company	Insurance coverage beginning date	Estimated insurance premium to be paid	Estimated total payments by trustee
PERFORMANCES FINANCIAL	EASTERN AMERICA INSURANCE CO	5/2028	\$58.00	\$174.00
			Disbursed by:	
			<input checked="" type="checkbox"/> Trustee	
			<input type="checkbox"/> Debtor(s)	
BANCO POPULAR DE PR	EASTERN AMERICA INSURANCE CO	4/2026	\$55.00	\$1,485.00
			Disbursed by:	

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Name of creditor insured Insurance Company

Insurance coverage
beginning dateEstimated insurance
premium to be paidEstimated total payments
by trustee☒ Trustee☐ Debtor(s)*Insert additional claims as needed.***PART 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ _____.
- ☐ _____% of the total amount of these claims, an estimated payment of \$ _____.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases**6.1** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.*Check one.*

- ☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
- ☒ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments to trustee
ANA A MARRERO GARCIA	PROPERTY LEASE	\$400.00	\$0.00		\$0.00
Disbursed by:					
<input type="checkbox"/> Trustee					
<input checked="" type="checkbox"/> Debtor(s)					

Insert additional contracts or leases as needed.

PART 7: Vesting of Property of the Estate & Plan Distribution Order**7.1 Property of the estate will vest in the Debtor(s) upon**

Check the applicable box:

- ☒ Plan confirmation.
☐ Entry of discharge.
☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions**8.1 Check "None" or list the nonstandard plan provisions**

- ☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.2 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan:

TAX REFUNDS WILL BE DEVOTED EACH YEAR, AS PERIODIC PAYMENTS, TO THE PLAN'S FUNDING UNTIL PLAN COMPLETION. THE TENDER OF SUCH PAYMENTS SHALL DEEM THE PLAN MODIFIED BY SUCH AMOUNT, INCREASING THE BASE THEREBY WITHOUT THE NEED OF FURTHER NOTICE, HEARING OR COURT ORDER. IF NEED BE FOR THE USE BY DEBTOR(S) OF A PORTION OF SUCH REFUND, DEBTOR(S) SHALL SEEK COURT'S AUTHORIZATION PRIOR TO ANY USE FUNDS

8.3 IF DEBTOR IS ENTITLED TO RECEIVE THE SPECIAL BONUS AS PER THE ANNOUNCEMENT MADE BY THE GOVERNMENT OF PUERTO RICO WILL BE PROVIDE EVIDENCES OF SUCH INCOME AND AMENDED THE PLAN TO DEVOTE THE BONUS FOR THE BENEFIT OF THE STATE.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ Milagros Rivera Rivera
Milagros Rivera Rivera 305909
 Signature of Attorney of Debtor(s)

Date January 4, 2024

Debtor

RAFAEL MONSERRATE CARO ADORNO
MARIA ESTHER CANCEL RODRIGUEZ

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/s/ RAFAEL M. CARO ADORNO

RAFAEL MONSERRATE CARO ADORNO

/s/ MARIA E. CANCEL RODRIGUEZ

MARIA ESTHER CANCEL RODRIGUEZ

Date

January 4, 2024

/s/ MARIA E. CANCEL RODRIGUEZ

MARIA ESTHER CANCEL RODRIGUEZ

Date

January 4, 2024

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.